

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DON A. BESKRONE,

Plaintiff,

-V-

KENNETH A. BERLIN ET AL.,

Defendants.

21 Civ. 4803 (PAE)

ORDER

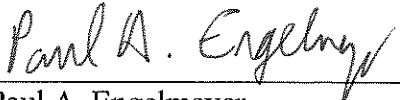
PAUL A. ENGELMAYER, District Judge:

The Court is reviewing the parties' papers in support of and in opposition to defendants' motion to dismiss the Second Amended Complaint. To assist in its review, the Court directs counsel to file letters addressing the following issues:

1. Beskrone brings suit in the shoes of each of Sabby, Rosetta Inc., and Rosetta Ltd. Insofar as there is an agreement only as between Sabby and Rosetta Inc. and Rosetta Ltd. to litigate in New York (and assuming the scope of these agreements includes the claims brought in this suit), what is the source of personal jurisdiction over the defendants as to the claims brought by Beskrone in the shoes of Rosetta Inc. and Rosetta Ltd.?
2. Assuming further there is no forum selection clause conferring personal jurisdiction over the defendants as to the claims Beskrone brings on behalf Rosetta Ltd. and Rosetta Inc., is there any basis for exercising personal jurisdiction over the defendants as to those sets of claims? Does the doctrine of pendent personal jurisdiction apply?
3. Finally, assuming that the Court does have personal jurisdiction over the defendants as to the Rosetta Inc. and Rosetta Ltd. claims, should the Court nonetheless dismiss these claims on the ground of *forum non conveniens*?

The parties' letters addressing each of these issues should be no more than five-pages, single-spaced. Plaintiff's letter is due on July 18, 2022; defendants' response is due July 22, 2022. No reply is invited.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: July 13, 2022
New York, New York